

**CITY OF CHARLEVOIX**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**Monday, September 20, 2010 — 7:00 p.m.**  
210 State Street, City Hall, Council Chambers, Charlevoix, MI

**I. Pledge of Allegiance**

**II. Roll Call of Members Present**

Mayor: Norman L. Carlson, Jr.  
City Attorney: Jim Young  
City Manager: Rob Straebel  
City Clerk: Carol A. Ochs  
Members Present: Council members Jill Picha, Greg Stevens, Bryan Vollmer, Shane Cole, Lyle Gennett, Dennis Kusina  
Absent: None

**III. Inquiry Regarding Possible Conflicts of Interest**

None.

**IV. Consent Agenda**

The following items were approved and filed:

- A. Approval of Minutes – September 7, 2010 Regular Meeting Minutes
- B. Accounts Payable Check Register – September 21, 2010
- C. Tax Disbursement – September 21, 2010
- D. Payroll Check Register– September 17, 2010
- E. Payroll Transmittal – September 17, 2010

**V. Public Hearings**

None.

**VI. Reports**

A. Manager Reports

The Manager asked Council if they had objections to a dress down Friday campaign in November and December. Employees would donate \$2 to wear nice jeans on Fridays, with proceeds to go to United Way. There were no objections.

The Manager stated that the Bridge Street water main project will start early next week. The contractor is confident they can finish the project by November 1.

**VII. Requests, Petitions and Communications and Actions Thereon**

A. Proposal to Establish Conservation Easement at Mt. McSauba

City Planner Mike Spencer was available to review the item. Ty Ratliff from the Little Traverse Conservancy was also available to answer questions. Mr. Spencer stated that staff is not against conservation easements. He thinks that there are better ways to protect Mt. McSauba permanently, such as deed restrictions, without having to amend the Charter or create controversy by having the public vote on a conservation easement. Mr. Ratliff stated that the Little Traverse Conservancy is not promoting a conservation easement for the Mt. McSauba property, but it is an option to consider and would put another layer of protection on the property.

Responding to Council, the City Attorney stated that if this were land being gifted to the City, it could be a condition of the gift to bring in a land conservancy and a conservation easement. Because there are Charter limitations for the disposal or of or use of property, a conservation easement will forever eliminate the ability of Council to control that property, except within the limitations of the conservation restrictions. The Attorney is currently unaware of any specific threats to the area. He is disinclined to recommend a conservation easement for the Mt. McSauba property. The Mayor and the Attorney discussed that the Charter could be interpreted to require a vote of the people in order to put a conservation easement on City property.

John Campbell acknowledged that Council cannot sell or dispose of the property without a vote of the people. However, Mr. Campbell said there is also nothing that can be found that protects the land use from harvesting the lumber or mining sand, for example. The proposed easement excludes the ice rink, sledding and ski hills from the easement. Walking, hiking, and cross country ski trails could continue. Division, commercial and industrial activities, construction except for viewing decks, cutting of vegetation unless it blocked trails, dumping, off-road vehicle use, and signs would be some of the things prohibited. Mr. Campbell's concern is to keep it protected for the future; he does not have any immediate concerns. It doesn't cost the Council anything to protect the Mt. McSauba property with a conservation easement.

Bob Timms asked how this agenda item came into being. Mr. Campbell has been pursuing the issue for some time, but has never been able to get it on the agenda before.

The Mayor reviewed the staff recommendation. City staff feels that conservation easements are a very positive way for landowners to protect their properties for the benefit of future generations; however, at this time staff feels establishing a conservation easement at Mt. McSauba is not in the City's best interests for the following reasons:

1. They feel the property is already protected by the language of the Charter. Changing the Charter may be necessary, which is a very involved process. Regardless, staff feels the citizens should have the right to vote on this important decision, which could be very controversial. There could be significant costs as well.
2. The City does not pay taxes, so we would not receive the financial advantages from a conservation easement like a private property owner would.
3. A conservation easement is a permanent restriction with an outside organization so there is loss of local control of the land unless it meets the terms of the easement agreement.

Motion by Councilmember Lyle Gennett, seconded by Councilmember Jill Picha, to support staff's recommendation regarding the conservation easement.

Yeas: Picha, Stevens, Vollmer, Cole, Gennett, Kusina  
Nays: None  
Absent: None

B. Discussion Regarding Renewal of Docking Lease Agreement with Keweenaw Excursions

Jason Funkey from Keweenaw Excursions was available to review his proposal and answer questions from Council. Mr. Funkey reviewed his expenses and revenues for the year. Mr. Funkey is hopeful for increased revenues next year, but would like to

negotiate a lower dock fee. Councilmember Jill Picha spoke in favor of helping the business get a foothold in the community. The Mayor expressed concerns that agreeing to a much lower fee would set a bad precedent for other commercial boats.

John Murray stated that the cruise ship has been a nice addition for the area, and thinks it is good for the community.

The Attorney recommended having a few interested people work with Mr. Straebel to negotiate with Mr. Funkey, rather than negotiating as a Council in the meeting. The Mayor and Councilmember Picha will work with Mr. Straebel to negotiate an agreement with Keweenaw Excursions and come back with a recommendation to Council. No formal action taken at this time.

**C. Transfer of Pelican Development Airport Access Agreement to RCI Group**

The Mayor stated there is a through the fence access agreement with Pelican Development. Pelican is selling their hangar. To complete the sale, the agreement needs to be transferred to the new owners, RCI Group.

Motion by Councilmember Jill Picha, seconded by Councilmember Dennis Kusina, to approve the transfer of the airport access agreement from Pelican Development to RCI Group, as outlined on pp.44-46, with any wording changes to be reviewed and approved by the City Attorney.

Yeas: Picha, Stevens, Vollmer, Cole, Gennett, Kusina  
Nays: None  
Absent: None

**D. Materials for Stover Road Water Main Replacement**

Electric Superintendent Don Swem was available to address the item and answer questions from Council.

Motion by Councilmember Bryan Vollmer, seconded by Councilmember Lyle Gennett, to approve the purchase of \$19,151.29 of water main materials from East Jordan Iron Works for the Stover Road Water Main Replacement.

Yeas: Picha, Stevens, Vollmer, Cole, Gennett, Kusina  
Nays: None  
Absent: None

**VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action**

None.

**IX. Resolutions**

None.

**X. Ordinances**

None.

**XI. Miscellaneous Business**

The Mayor stated that Council had met in closed session at 6:00 this evening to go over the Manager's review. The Manager has consented for his review to be released for his file and to the public.

**XII. Audience - Non-agenda Input (written requests take precedent)**

John Campbell stated that five years ago, Council approved Big Fish to tie into the municipal water system. This year the state convention dealing with biosolids and septage is being held in Charlevoix. Big Fish received their patent last week and will receive their US EPA approval by the end of this month, due in part to the cooperation from City staff and Council. The Mayor thanked Mr. Campbell for his efforts to keep innovative ideas in the City of Charlevoix.

**XIII. Adjourn**

The Mayor stated if there were no objections, the meeting would adjourn.

There were no objections.

Meeting adjourned at 7:50 p.m.

Carol A. Ochs	City Clerk	Norman L. Carlson, Jr.	Mayor
<b>Accounts Payable – 09/21/2010</b>			
ACCESS LOCKSMITHING INC	190.00	CHARLEVOIX SCREEN MASTERS INC	37.80
ACE HARDWARE	3,053.78	CHARLEVOIX STATE BANK	5,097.93
AIRGAS GREAT LAKES INC.	1,055.34	CHARTER COMMUNICATIONS	9.08
ALL-PHASE ELECTRIC SUPPLY CO.	299.25	CHEMSEARCH	154.13
AMERICAN WASTE INC.	6,225.50	CHERRINGTON ENTERPRISES INC.	1,737.42
APPLIED INDUSTRIAL TECH	170.26	COMPLETE MUFFLER	28.08
ARROW UNIFORM-TAYLOR L.L.C.	982.13	COTTAGE COUTURE	98.04
AT&T	2,971.21	DESIGN ASSOCIATES	3,160.00
AUTO VALUE	1,424.32	DODGE, EDNA	65.49
B & L SOUND INC	391.90	DVORACEK, DANA	275.00
BANC OF AMERICA LEASING	1,589.42	EAST JORDAN IRON WORKS	4,004.06
BANDIT INDUSTRIES INC	678.33	ELLSWORTH FARMER'S EXCHANGE	351.00
BEAVER RESEARCH COMPANY	136.76	FAMILY FARM & HOME	339.31
BELL EQUIPMENT COMPANY	340.00	FARMER, JUSTIN	35.00
BRADFORD'S	279.00	FASTENAL COMPANY	163.57
BUDAY'S SOUND ADVICE	1,705.32	FISHER SCIENTIFIC	677.49
BULBS.COM	426.78	GOSLING CZUBAK	1,191.25
BURKLE, CHARLES	25.00	GREAT LAKES PIPE & SUPPLY	831.53
BUSINESS RADIO LICENSING	110.00	HACH COMPANY	667.74
CARQUEST OF CHARLEVOIX	924.36	HARDY DIAGNOSTICS	152.77
CENTRAL DRUG STORE	154.02	HARRELL'S	120.00
CENTRAL ELEVATOR COMPANY INC	179.28	HART, TERESA	41.00
CHARLEVOIX AREA HOSPITAL	11.40	HASTINGS FIBER GLASS PRODUCTS	637.96
CHARLEVOIX CAR WASH	74.70	HOLIDAY COMPANIES	6,999.93

HYDE EQUIPMENT	7,717.43	ORBAN, BARBARA	70.00
HYDRO DESIGNS INC.	900.00	PERFORMANCE ENGINEERS INC	3,054.00
INDEPENDENT DRAFTING SERVICES	1,152.00	POWER LINE SUPPLY	4,510.99
ISLAND AIRWAYS	2,082.47	POWERPLAN	3,217.15
J & S PORTABLE RESTROOMS	285.00	PREFERRED WASTE L.L.C.	572.00
JBR GRAPHICS INC.	160.00	QUILL CORP	394.36
KLOOSTER, HENRY	87.73	RESCO	34,494.72
KMart	89.95	RIETH-RILEY CONST CO INC	528.62
KSS ENTERPRISES	270.66	SEARS COMMERCIAL ONE	417.99
LAKESHORE TIRE & AUTO SERVICE	29.45	SPARTAN DISTRIBUTORS INC	427.31
MAGNUM ELECTRIC INC.	60.00	STANDARD ELECTRIC CO	129.27
MDC CONTRACTING LLC	2,662.99	STATE INDUSTRIAL PRODUCTS	589.23
MICHIGAN MUNICIPAL ELECTRIC	300.00	STATE OF MICHIGAN	50.00
MICHIGAN MUNICIPAL LEAGUE	63.30	SYSTEMS SPECIALISTS INC	261.25
MICHIGAN OFFICEWAYS INC	746.94	T & R SERVICE INC	30.00
MICHIGAN PUBLIC POWER AGENCY	182,199.86	THE WOOD SHOP	320.00
MICHIGAN SECTION AWWA	130.00	TRI-TURF	920.76
MICHIGAN TURFGRASS FOUNDATION	115.00	TRUCK & TRAILER SPECIALTIES	966.00
MUNICIPAL SUPPLY CO	135.00	TURFGRASS INC	1,089.00
NETSOURCE ONE INC.	1,205.00	US BANK	210,997.50
NORTHERN CREDIT BUREAU	66.88	VAN'S BUSINESS MACHINES	106.83
NORTHERN FIRE & SAFETY	479.30	WADE TRIM OPERATIONS SERVICES	6,066.15
NORTHERN MICHIGAN REVIEW INC.	746.46	WINNELL, CHARLES	481.60
NORTHERN MICHIGAN/NORTHNET	13.95	ZONTA CLUB OF CHARLEVOIX	180.00
NORTHERN SAFETY CO INC	873.93		
OLESON'S FOOD STORES	572.59	<b>TOTAL:</b>	<b>523,294.26</b>

**Accounts Payable – 09/21/2010**

**Tax Disbursements**

BERGMANN, JEFF	54.79	CITY OF CHARLEVOIX - TAXES DUE	1,146,190.64
CHARLEVOIX COUNTY TREASURER	993,115.03	INDEPENDENT BANK	5,661.10
CHARLEVOIX COUNTY TREASURER	77.15	PNC BANK	1,841.81
CHARLEVOIX COUNTY TREASURER	1,193.80	RECREATIONAL AUTHORITY	4.30
CHARLEVOIX DISTRICT LIBRARY	22.33	STATE OF MICHIGAN	7,060.20
CHARLEVOIX PUBLIC SCHOOLS	1,159,181.22	U.S. BANK NA	17.68
CHARLEVOIX PUBLIC SCHOOLS	88,548.36	WELLS, RICHARD	917.75
CHARLEVOIX PUBLIC SCHOOLS	177,102.57		
CHASE HOME FINANCE LLC	2,107.32	<b>TOTAL:</b>	<b>3,583,096.05</b>

**PAYROLL: NET PAY**

**Pay Period Ending 09/11/2010 – Paid 09/17/2010**

WELLER, LINDA JO	1,265.51	HART, TERESA M.	493.67
STRAEBEL, ROBERT J.	1,963.03	BENNETT, THOMAS A.	590.01
BRANDI, RICHARD M.	1,700.83	DURRENBERGER, LARRY J	242.39
LOY, EVELYN R.	948.04	TORRES JR., JESUS F.	26.39
KLOOSTER, ALIDA K.	1,145.66	SILVA, JESSE L.	341.86
BROWN, STEPHANIE C.	1,067.17	O'CONNOR, BRUCE E.	374.15
OCHS, CAROL A.	947.49	SCHOOF, WILLIAM R.	158.40
CAREY, KEITH V.	1,153.17	SHRIFT, PETER R.	1,387.87
SPENCER, MICHAEL D.	1,459.24	HANKINS, SCOTT A.	1,635.38
SPENCLEY, PATRICIA L.	1,139.87	KLOOSTER, PATRICK H.	349.08
SOMERVILLE, COLLIN P.	419.65	BOSS, JOHN M.	387.89
NASH, JENNIFER B.	913.04	KLOOSTER, JUSTIN N.	452.86
BAILEY, MATTHEW L.	1,234.70	COPPOCK, TIMOTHY M.	1,104.15
UMULIS, MATTHEW T.	1,583.68	WURST, RANDALL W.	1,814.28
DOAN, GERARD P.	1,885.44	WHITLEY, JOHN F.	1,584.70
METDEPENNINGEN, SARAH	1,269.18	BLANCHARD, SCOTT W.	1,844.61
WARNER, JANINE M.	1,045.66	FRYE, EDWARD J.	1,018.53
EVANS, HALBERT K.	862.72	SWEM, DONALD L.	1,693.31
KANINE, MATTHEW J.	386.20	ROTTA, RUSSELL	1,556.86
BINGHAM, LARRY E.	523.46	HART II, DELBERT W.	558.10
SCHLAPPI, JAMES L.	1,201.69	MORRISON, KEVIN P.	1,373.74
TAYLOR, TERRY K.	487.96	HODGE, MICHAEL J.	1,101.57
ORBAN, BARBARA K.	1,303.70	JOHNSON, STEVEN P.	1,320.37
IVAN, PAUL M.	2,011.89	JONES, ROBERT F.	1,639.61
SCHWARTZFISHER, JOSEPH	1,463.26	BISHAW, JAMES H.	581.14
ROLOFF, ROBERT P.	2,253.83	DISHONG, AARON S.	868.89
BRODIN, WILLIAM C.	1,286.31	ZIPP, DONALD R.	1,348.49
CALDWELL, JAMES P.	1,528.32	HOLM, ARTHUR R.	658.82
MAYER, SHELLEY L.	1,474.58	HEID, THOMAS J	1,338.55
HILLING, NICHOLAS A.	1,103.78	KING, LYLE S.	281.89
MEIER III, CHARLES A.	1,128.09	BOAL, DAVID W.	933.96
RAMSEY, KYLE J.	52.80	MILLIGAN, DESMOND E.	242.64
JACOBS, DOUGLAS R.	1,930.93	REID, JON M.	524.48
NISWANDER, JOSEPH F.	1,208.21	GRUNCH, RONALD J.	230.65
WELLS JR., DONALD E.	1,221.10	BOOTH, GEORGE E.	319.67
JONES, TERRI L.	907.89	MILLIGAN, DOUGLAS J.	95.58
BRADLEY, KELLY R.	1,296.01	HAND, REBECCA J.	563.87
EATON, BRAD A.	1,110.82	MEGGISON, JERRY B.	141.29
WILSON, TIMOTHY J.	1,610.43	ROLOFF, AUDREY M.	305.20
ELLIOTT, PATRICK M.	1,578.40	MATTER, DAWSON K.	391.67
WILSON, RICHARD J.	1,070.03	CESARO, JASON M.	30.80
SIEGMUND, CHRISTOPHER	563.35	MARSH JR., JAMES D.	102.05
BROWE, RAYMOND L.	506.50	MACMILLAN, RACHEL A.	33.00
RAMSEY, ARIEL M.	279.10	TRAVERS, MANUEL J.	209.44
EAGLESON, WAYNE L.	420.33	SCOTT JR., WINFIELD	112.19
MCGHEE, ROBERT R.	906.04	WINNELL, CHARLES J.	104.15
CROSS, MARCUS E.	584.84	RILEY, DANIEL	752.47
VANLOO, JOSEPH G.	586.17	BARRETT, SCOTT T.	858.50
STEVENS, BRANDON C.	531.57	RILEY, JEFFERY C	110.46
KLOOSTER, SUSAN E.	56.32	BERGMANN, DOUGLAS M.	33.00
STEBE, LAURA A.	66.50	MACDONALD, BRIAN K.	693.64
STEBE, DAVID S.	70.19	<b>TOTAL:</b>	<b>89,630.95</b>

**PAYROLL: TRANSMITTAL**

09/17/2010			
**EFTPS* Payroll Taxe	30,680.67	ICMA RETIREMENT TRUST 457	6,170.89
AMERICAN FAMILY LIFE	34.60	MI STATE DISTRICT UNIT	128.28
CHAR EM UNITED WAY	40.00	NORTHWESTERN BANK	75.00
CHARLEVOIX STATE BANK	83.00	PRIORITY HEALTH	73.49
COMMUNICATION WORKERS	512.52	STATE OF MICHIGAN	4,765.96
ICMA RETIREMENT TRUST 401	669.43	<b>TOTAL:</b>	<b>43,233.84</b>